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SUBJECT: DATE OF PRESIDENTIAL ELECTION ANNOUNCED; PROPOSED
CHANGES TO PRESIDENTIAL ELECTIONS LAW APPROVED

REF: CAIRO 4961

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1. (SBU) Summary: Egypt's 2005 presidential election, according to senior presidential advisor Zakariyya Azmy, will occur on September 7, and the new president is to be sworn in on October 1. The People's Assembly (PA) approved changes in five articles of the presidential elections law after its Legislative Affairs Committee determined that the Supreme Constitutional Court's June 29 advisory opinion (reftel) is binding. Debate on two other articles, however, continues. The date of September 7 for the presidential election is earlier than most have anticipated and leaves just over three weeks for presidential contenders to gear up for the campaign's official start on July 19. End summary.

2. (SBU) According to Zakariyya Azmy, senior advisor to President Mubarak, campaigning for presidential elections will officially begin on July 19. The presidential elections will be held on September 7, with a run-off on September 18, if necessary. The new president is to be sworn in on October 1.

3. (SBU) Per refotel, the Supreme Constitutional Court on June 29 advised PA Speaker Fathy Surour in a memorandum that Articles 5, 22, 49, 54, and 55 of the presidential elections law were unconstitutional and that Articles 13 and 18 were of questionable constitutionality. In a session later that day, the PA approved changes to Articles 5, 13, 18, 22, and 49, while tabling debate on Articles 54 and 55. Specifically:

a) the PA revised Article 5, which addresses the formation of the Presidential Election Committee and describes leadership succession of the Committee should the chairman be absent;

b) the PA also revised Article 13, which the Court's memo cautioned may be unconstitutional, to specify the exact supporting documents a candidate would need to include as part of the election nomination request submitted to the Presidential Election Committee;

c) in Article 18, which the Court's memo also cautioned may be unconstitutional, the PA modified the language to ensure procedural fairness among remaining candidates, should a candidate decide to drop out of the presidential race;

d) the PA eliminated Article 22, which prohibited electoral campaigns from using paid advertisements;

e) and the PA amended Article 49 by striking a harsh financial penalty for candidates who exceed the campaign expenditure limit or spend from accounts other than those earmarked for the presidential elections.

4. (SBU) Articles 54 and 55, declared unconstitutional by the Court, stipulate penalties for violation of the election process. Within these two articles, the Supreme Constitutional Court reasoned that punishment is for acts that are not specifically and clearly defined. After unresolved debate over these two articles, PA Speaker Surour decided to table further debate over the articles until the following day.

5. (SBU) Comment: That the PA opted to take seriously the Supreme Constitutional Court's non-mandatory advisory opinion on the constitutionality of the presidential elections law is a positive development, yet probably has more to do with the PA's desire to avoid any post-electoral challenges to the constitutionality of the law than it does with formulating sweeping and substantive changes to the draft. The date of September 7 for the presidential election is earlier than most anticipated and leaves just over three weeks for presidential contenders to gear up for the official campaign period. End comment.

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